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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/935,687 | 08/24/2001 | Boris Liberman | P-6126-US | 3389 |
| 49443 | 7590 | 02/14/2006 | EXAMINER | |
| PEARL COHEN ZEDEK, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036 | | | LIANG, LEONARD S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2853 | |

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,687

Applicant(s)

LIBERMAN, BORIS

Examiner

Leonard S. Liang

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11 is/are rejected.
- 7) ☒ Claim(s) 7 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

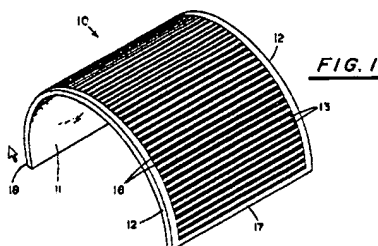
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wright (US Pat 4072920).

Wright discloses:

- {claim 1} a device to hold a flexible substrate to be printed upon (column 1, lines 8-21); a static structure (figure 1, reference 10); elongated support units, each having a bottom surface supported by the support structure, wherein the units positioned remote from and substantially parallel to each other such that top surfaces of the units delineate a convex profile in a plane perpendicular to a longitudinal axis of the units (figure 1, reference 13); a tensioning device configured so as to produce tension in the flexible substrate when the flexible substrate is positioned on the top surfaces of the elongated support units, the tension being along a feed path of the flexible substrate parallel to the plane (figure 1; column 1, lines 8-21; tension inherently caused by magnetic force)



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- {claim 4} wherein the support units are support bars (figure 1, reference 13)
- {claim 6} wherein the support structure is a substantially continuous solid surface (figure 1)
- {claim 11} wherein the support units are rods (figure 1, reference 13)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (US Pat 4072920) in view of Hallman et al (US Pat 5820932).

Wright discloses a device (as applied to claim 1 above).

Wright differs from the claimed invention in that it does not disclose:

- {claim 2} a digital printing device including a plurality of print heads

Hallman et al discloses:

- {claim 2} a digital printing device including a plurality of print heads (abstract)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Hallman et al into the invention of Wright. The motivation for the skilled artisan in doing so is to gain the benefit of providing an environmentally friendly means of printing on a printing plate (column 2, lines 13-15).

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Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (US Pat 4072920) in view of Hallman et al (US Pat 5820932), as applied to claim 2 above, and further in view of Tajika et al (US Pat 5988783).

Wright, as modified, discloses:

- {claim 5} wherein the print heads are positioned such that when the flexible substrate is placed upon the support structure, portions of the flexible substrate that are stretched between the support units are located below the print heads (naturally suggested in view of combination of Wright in view of Hallman et al)

Wright, as modified, differs from the claimed invention in that it does not disclose:

- {claim 3} wherein the printing device is a digital four color process printer and the plurality of print heads includes four print heads

Tajika et al discloses:

- {claim 3} wherein the printing device is a digital four color process printer and the plurality of print heads includes four print heads (figure 8, reference C, M, Y, K)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Tajika et al into the invention of modified Wright. The motivation for the skilled artisan in doing so is to gain the benefit of printing in different colors.

Allowable Subject Matter

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Claims 7 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 discloses, "wherein the tensioning device is integral to a feed and take-up device which moves the flexible substrate across the support structure," which was not found, taught, or disclosed in the prior arts.

Claim 12 discloses, "wherein the support units are rollers," which was not found, taught, or disclosed in the prior arts.

Response to Arguments

Applicant's arguments filed 10/31/05 have been fully considered but they are not persuasive. The examiner's response to arguments were given in the advisory action filed on 11/10/05 and will not herein be repeated. However, the examiner will note that the amendment to claim 1 does not seem to overcome Wright because Wright discloses a saddle "primarily for use as a magnetic holding device to hold a flexible or curved steel-backed printing plate without the need for mechanical clamp or the like..." which naturally suggests that the flexible printing plate is positioned on the top surface of the elongated support unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S. Liang whose telephone number is (571) 272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

02/06/06

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 2/10/06
MANISH S. SHAH
PRIMARY EXAMINER